

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, WESTERN DIVISION

FILED BY *cg*
05 DEC -7 PM 4:26

ROOSEVELT GORDON,

Plaintiff,

vs.

No. 05-2621 MI An

CITY OF MEMPHIS and
DESOTO LODGE #3, INTERNATIONAL
ASSOCIATION OF MACHINISTS AND
AEROSPACE WORKERS, AFL-CIO

Defendants.

*
*
*
*
*
*
*
*
*
*
*

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENNESSEE

PROPOSED RULE 16 (b) SCHEDULING ORDER

Pursuant to the scheduling conference set by written notice, the following dates are established as the final dates for:

INITIAL DISCLOSURES (RULE 26 (a) (1):

December 29, 2005

JOINING PARTIES:

for Plaintiff: February 24, 2006
for Defendants: March 24, 2006

AMENDING PLEADINGS:

for Plaintiff: February 24, 2006
for Defendants: March 24, 2006

COMPLETING ALL DISCOVERY:

(a) **REQUESTS FOR PRODUCTION, INTERROGATORIES, and
REQUESTS FOR ADMISSIONS:** July 28, 2006

- (b) **EXPERT DISCLOSURE (Rule 26 (a) (2)):**
- (i) Plaintiff's Experts: May 22, 2006
 - (ii) Defendants' Experts: June 23, 2006
 - (iii) Supplementation under Rule 26 (e): July 3, 2006

- (c) **DEPOSITIONS OF EXPERTS:** July 28, 2006

FILING DISPOSITIVE MOTIONS: August 28, 2006

FINAL LISTS OF WITNESSES AND EXHIBITS (Rule 26 (a) (3)):

- (a) for Plaintiff: January 26, 2007
- (b) for Defendant: February 12, 2007

Parties shall have 10 days after service of final lists of witnesses and exhibits to file objections under Rule 26 (a) (3).

The trial of this matter is expected to last three days. The presiding judge will set this matter for JURY TRIAL. In the event the parties are unable to agree on a joint pretrial order, the parties must notify the court at least ten days before trial.

OTHER RELEVANT MATTERS

Interrogatories, Requests for Production and Requests for Admissions must be submitted to the opposing party in sufficient time for the opposing party to respond by the deadline for completion of discovery. For example, if the FRCP allow 30 days for a party to respond, then the discovery must be submitted at least 30 days prior to the deadline for completion of discovery.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or service of the response, answer, or objection which is the subject of the motion if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or any objection to the default, response, or answer shall be waived.

The parties are reminded that pursuant to Local Rule 7 (a) (1) (A) and (a) (1) (B), all motions, except motions pursuant to FRCP 12, 56, 59, and 60, shall be accompanied by a proposed Order and a Certificate of Consultation.

The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of court. If a party believes that a reply is

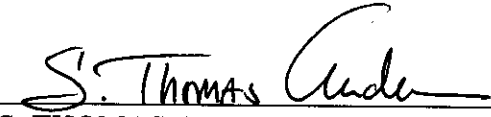
necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

The parties may consent to trial before the Magistrate Judge. The Magistrate Judge can normally provide the parties with a definite trial date that will not be continued unless a continuance is agreed to by all parties, or an emergency arises which precludes the matter from proceeding to trial.

The parties are encouraged to engage in court-annexed attorney mediation or private mediation on or before the close of discovery.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this Order will not be modified or extended.

IT IS SO ORDERED.

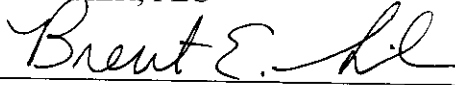


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: December 07, 2005

Respectfully submitted,

KIESEWETTER WISE KAPLAN
PRATHER, PLC

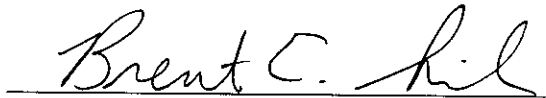


Robert D. Meyers (#12187)
Brent E. Siler (#022289)
3725 Champion Hills Dr., Ste. 3000
Memphis, TN 38125
(901) 795-6695

Attorneys for Defendants
City of Memphis, Tennessee

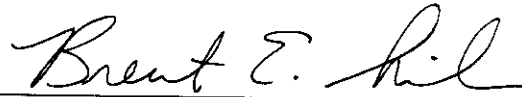
CERTIFICATE OF SERVICE

The undersigned certifies that a true and exact copy of the foregoing has been forwarded to counsel for Plaintiff, Gregory D. Cotton, 6263 Poplar Avenue, Suite 1032, Memphis, Tennessee, and James W. Hodges, Jr., 5100 Poplar Avenue, Suite 610, Memphis, Tennessee 38137, via regular U.S. Mail, postage prepaid, this 6th day of December 2005.



CERTIFICATE OF CONSULTATION

I certify that I spoke with Greg Cotton, Plaintiff's counsel, via telephone on Tuesday, December 5, 2005, regarding the foregoing Proposed Rule 16 (b) Scheduling Order and that Mr. Cotton indicated that he did not object to any dates proposed by Defendants because he intended to dismiss this lawsuit on Wednesday, December 6, 2005.

A handwritten signature in black ink, reading "Brent E. Siler", written over a horizontal line.

Brent E. Siler



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:05-CV-02621 was distributed by fax, mail, or direct printing on December 8, 2005 to the parties listed.

Gregory D. Cotton
COTTON LAW FIRM
6263 Poplar Avenue
Ste. 1032
Memphis, TN 38119

Brent E. Siler
KIESEWETTER WISE KAPLAN & PRATHER
3725 Champion Hills Dr.
Ste. 3000
Memphis, TN 38125

Robert D. Meyers
KIESEWETTER WISE KAPLAN & PRATHER, PLC
3725 Champion Hills Drive
Ste. 3000
Memphis, TN 38125

James W. Hodges
HODGES & HODGES
5100 Poplar Avenue
Ste. 610
Memphis, TN 38137

Honorable Jon McCalla
US DISTRICT COURT